

REMARKS

Claims 1-17 are pending in the application.

Claim 1 is amended to specify that the dust-collection box (15) is configured as an injection-molded part together with the machine housing (11). Support for the amendment to claim 1 may be found, for example, on page 3 in the specification at lines 23-25.

Claim 4 is amended to recite the same language as used in claim 3 to provide sufficient antecedent basis for "the longitudinal sides" in claims 4-6. Support for the amendment to claim 4 may be found, for example, on page 4 at lines 2-17.

Claims Rejections 35 U.S.C. 112

Claims 4-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite over insufficient antecedent basis for "the longitudinal sides" in claims 4-6 and the Examiner's uncertainty over the meaning of "lateral longitudinal edge." The Examiner's rejections have been carefully considered.

Claim 4 is amended to recite the same language as used in claim 3 to provide sufficient antecedent basis for "the longitudinal sides" in claims 4-6.

Regarding the meaning of the term "*a lateral longitudinal edge*" in claim 6, Applicant argues that the term has the plain meaning used in the English language wherein "*lateral*" is defined as "*of or relating to the side; situated on, directed toward, or coming from the side*" and "*longitudinal*" is defined as "*placing or running lengthwise; of or relating to length or lengthwise dimension*" (Merriam Webster's Collegiate Dictionary, tenth edition). Thus, in claim 6, "*the two open longitudinal sides of dust-collection box (15) abut each other along a lateral longitudinal edge*" means that the two open sides of

the box the dust collection box about each other lengthwise along an edge that that is formed along the side of the two sides.

In view of the foregoing arguments and the amendment to claim 4, Applicant respectfully requests that the rejection of claims 4-6 under 35 U.S.C. 112, second paragraph, be withdrawn. Should the rejection of claim 6 be maintained, Applicant respectfully requests that the Examiner indicate what alternative meanings one skilled in the art may attribute to the term "*a lateral longitudinal edge*" or what element(s) of the term introduce uncertainty in its meaning.

Claims Rejections 35 U.S.C. 103

Claims 1-7, 9, 10, 12-14, and 17 are rejected by the Examiner under 35 U.S.C. 103(a) as being unpatentable over **Reich** et al. (US 6,514,131) in view of **Stirm** (US 5,349,752). The Examiner's rejection has been carefully considered.

I. Applicant argues that Claim 17 and Claim 1 are not unpatentable over Reich in view of Stirm because the cited references do not teach or suggest a dust-collection box configured as an injection-molded part together with a machine housing.

The rejection states that Reich teaches a power tool with a machine housing having a dust-collection container attached thereto. The rejection further states that it would have been obvious to modify the power tool taught by Reich to have constructed the dust-collection box of the dust-collection container as an integral portion of the machine housing.

Stirm, however, does not teach or suggest a dust collection box as an integral part of the tool housing as the rejection asserts. To the contrary, Stirm teaches a box-like container 10 which is separable into two parts 11, 12. The box-like container is attachable and removable from a power tool. Part 11 "*has means 15 for connecting*

the container to the power tool outlet and the other part 12 has at least part of its wall surface formed of filter material 12a" (Abstract). In a preferred embodiment, part 11 is made of a rigid molding of plastic with an integral tubular inlet **for attachment to a power tool dust outlet** (column 1, lines 47-50).

Although neither Reich nor Stirn teach or suggest a dust collection box as an integral part of the tool housing, and solely for the purpose of advancing the prosecution of the present application, claim 1 is amended to specify that the dust-collection box (15) is configured as an injection-molded part together with the machine housing (11).

Neither Reich nor Stirn teach or suggest a dust-collection container that is an integral part of a power tool housing or a dust-collection box configured as an injection-molded part together with a machine housing. Consequently, one of ordinary skill in the art, at the time the invention was made, would not have been able to make such a power tool/dust-collection box by combining the teachings of Reich and Strim.

II. Applicant argues that Claim 17 is not unpatentable over Reich in view of Stirn because the cited references do not teach or suggest power tool comprising a handle that is integrally formed on a machine housing and is configured as a dust-collection container (i.e. a handle that is integrally formed on a machine housing AND a handle that is configured as a dust-collection container).

The rejection states that the dust collection box in Reich is considered to form a portion of the handle because it attaches to a lower section of the handle opening. Reich, however, neither teaches a dust-collection container that is integrally formed on a machine housing nor a dust-collection container that forms a handle.

Reich teaches a power tool comprising a **suction device (19) integrated into its housing**, not a dust collection box (Abstract). A **dustproof dust box (21)** can be **detachably fastened to ejection fitting (20)**. Therefore, Reich does not teach or suggest

a dust-collection box (15) integrally joined with the machine housing, as recited in present claim 17.

Column 3, lines 19-32 in Reich clearly indicate that the dust box (21) is not configured as a handle. To the contrary, the dust box (21) is, in part supported on the housing by a hook (24). The dust box is also supported by its attachment to injection fitting (22) via ejection fitting (20). The dust box (21) is in no way capable of being grasped as a handle and used to hold the power tool because it is designed for easy removal and is particularly light and thin. It is also clear in the drawings that the dust box is oriented away from an operator with the actual handle (14) between the dust box and the operator.

In view of the amendment to claim 1 and the foregoing arguments, Applicant respectfully requests that the rejection of claims 1-7, 9, 10, 12-14, and 17 under 35 U.S.C. 103(a) be withdrawn.

Claims 8, 11, 15, and 16 are rejected by the Examiner under 35 U.S.C. 103(a) as being unpatentable over **Reich** in view of **Park** (US 2005/0037699). The Examiner's rejection has been carefully considered.

Initially it is noted that, in the rejection of claim 1, the Examiner acknowledges that Reich teaches an electric hand-held power in which a dust collection container is **connected to** a machine housing, which is distinct from a dust collection container that is **integrally joined** with a machine housing. The Examiner relies on Stirn for the rejection of claim 1 under 35 U.S.C. 103(a), yet Stirn is not cited in the rejection of claims 8, 11, 15, and 16, which depend, directly or indirectly, from claim 1. Consequently, according to the rejection of claim 1 above, claims 8, 11, 15, and 16 are not unpatentable over Reich in view of Park unless Park provides the teaching of a dust-collection box integrally joined with the machine housing.

Applicant argues that claims 8, 11, 15, and 16 are not unpatentable over Reich in view of Park because neither reference alone nor the references in combination teach or suggest a power tool comprising a dust-collection box integrally joined with the machine housing or a dust-collection box configured as an injection-molded part together with a machine housing.

For the reasons provided in the arguments against the rejection of claim 1, Reich does not teach or suggest a power tool comprising a dust-collection box configured as a dust-collection box integrally joined with the machine housing.

The power tool taught by Park also comprises a detachable dust collection box and not a dust-collection box configured as an injection-molded part together with a machine housing. The rejection makes no assertion to the contrary. Accordingly, claim 1 and therefore claims 8, 11, 15, and 16 which ultimately depend from claim 1 are not unpatentable over Reich in view of Park because the rejection does not address at least one limitation recited in the claims.

Nevertheless, claim 1 is amended to specify that the dust-collection box is configured as an injection-molded part together with a machine housing. Since claims 8, 11, 15, and 16 ultimately depend from claim 1, these claims are not unpatentable over Reich in view of Park and further in view of Stirn.

In view of the foregoing arguments, Applicant respectfully requests that the rejection of claims 8, 11, 15, and 16 under 35 U.S.C. 103(a) be withdrawn.

Conclusion

The application in its amended state is believed to be in condition for allowance. Action to this end is courteously solicited. Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call

in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael J. Striker", is positioned above the printed name.

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